

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT MARTINSBURG

CHARLES W. JOHNSON,

Plaintiff,

v.

CIVIL ACTION NO. 3:03CV78  
(BROADWATER)

JO ANNE B. BARNHART,  
Commissioner, Social Security  
Administration,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge James E. Seibert, dated October 5, 2004 and the plaintiff's objections thereto filed on October 26, 2004. In accordance with 28 U.S.C. § 636(b)(1), the Court has conducted a *de novo* review.

The Court, after reviewing the above, is of the opinion that the Magistrate Judge's Report and Recommendation should be and is hereby **ORDERED** adopted. The Court, therefore, **ORDERS** Defendant's motion for summary judgment (**Docket number 8**) be **GRANTED**. It is further **ORDERED** that this action be **DISMISSED WITH PREJUDICE** based on the reasons set forth in the Magistrate Judge's Report and Recommendation, and **STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to the plaintiff and all counsel of record herein.

**DATED** this 22<sup>nd</sup> day of July 2005.

  
W. CRAIG BROADWATER  
UNITED STATES DISTRICT JUDGE